

(5) Payment of costs

Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

(d) Assumption of new base cabin user fee

In the absence of a request under subsection (c) of this section for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of promulgation of final regulations under section 6212 of this title, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995 and the date of promulgation of the final regulations under section 6212 of this title, to be the base cabin user fee that complies with this section.

(Pub. L. 106-291, title VI, §614, Oct. 11, 2000, 114 Stat. 1022.)

CHAPTER 81A—NATIONAL FOREST ORGANIZATIONAL CAMP FEE IMPROVEMENT

Sec.	
6231.	Findings, purpose, and definitions.
6232.	Fees for occupancy and use of National Forest System lands and facilities by organizational camps.
6233.	Implementation.
6234.	Relationship to other laws.
6235.	Deposit and expenditure of use fees.
6236.	Ministerial issuance, or amendment authorization.

§ 6231. Findings, purpose, and definitions**(a) Findings**

Congress finds the following:

(1) Organizational camps, such as those administered by the Boy Scouts, Girl Scouts, and faith-based and community-based organizations, provide a valuable service to young people, individuals with a disability, and their families by promoting physical, mental, and spiritual health through activities conducted in a natural environment.

(2) The 192,000,000¹ acres of national forests and grasslands of the National Forest System managed for multiple uses by the Forest Service provides an ideal setting for such organizational camps.

(3) The Federal Government should charge land use fees for the occupancy and use of National Forest System lands by such organizational camps that, while based on the fair market value of the land in use, also recognize the benefits provided to society by such organizational camps, do not preclude the ability of such organizational camps from utilizing these lands, and permit capital investment in, and maintenance of, camp facilities by such organizational camps or their sponsoring organizations.

(4) Organizational camps should—

(A) ensure that their facilities meet applicable building and safety codes, including fire and health codes;

(B) have annual inspections as required by local law, including at a minimum inspections for fire and food safety; and

(C) have in place safety plans that address fire and medical emergencies and encounters with wildlife.

(b) Purpose

It is the purpose of this chapter to establish a land use fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands by organizational camps that serve young people or individuals with a disability.

(c) Definitions

In this chapter:

(1) The term “organizational camp” means a public or semipublic camp that—

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

(C) does not have as its primary purpose raising revenue through commercial activities.

(2) The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) The term “individual with a disability” has the meaning given the term in section 705(20) of title 29.

(4) The term “children at risk” means children who are raised in poverty or in single-parent homes or are subject to such circumstances as parental drug abuse, homelessness, or child abuse.

(5) The term “change in control” means—

(A) for a corporation, the sale or transfer of a controlling interest in the corporation;

(B) for a partnership or limited liability company, the sale or transfer of a controlling interest in the partnership or limited liability company; and

(C) for an individual, the sale or transfer or an organizational camp subject to this chapter to another party.

(Pub. L. 108-7, div. F, title V, §502, Feb. 20, 2003, 117 Stat. 294.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), was in the original “this Act”, which was translated as reading “this title”, meaning title V of div. F of Pub. L. 108-7, known as the National Forest Organizational Camp Fee Improvement Act of 2003, to reflect the probable intent of Congress.

SHORT TITLE

Pub. L. 108-7, div. F, title V, §501, Feb. 20, 2003, 117 Stat. 294, provided that: “This title [enacting this chapter] may be cited as the ‘National Forest Organizational Camp Fee Improvement Act of 2003.’”

§ 6232. Fees for occupancy and use of National Forest System lands and facilities by organizational camps

(a) Land use fee**(1) Percentage of land value**

The Secretary shall charge an annual land use fee for each organizational camp for its oc-

¹ So in original.

cupancy and use of National Forest System lands equal to 5 percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

(B) The estimated per-acre market value of land and buildings in the county where the camp is located, as reported in the most recent Census of Agriculture conducted by the National Agricultural Statistics Service.

(2) Annual adjustment

The land use fee determined under paragraph (1) for an organizational camp shall be adjusted annually by the annual compounded rate of change between the two most recent Censuses of Agriculture.

(3) Reduction in fees

(A) Type of participants

The Secretary shall reduce the land use fee determined under paragraph (1) proportionate to the number of individuals with a disability and children at risk who annually attend the organizational camp.

(B) Type of programs

After making the reduction required by subparagraph (A), the Secretary shall reduce the remaining land use fee amount by up to 60 percent, proportionate to the number of persons who annually attend the organizational camp who participate in youth programs through organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences.

(C) Relation to minimum fee

The reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) Special considerations

For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist persons in attending the organizational camp.

(4) Minimum land use fee

The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary's cost annually to administer an organizational camp special use authorization in the National Forest Region in which the organizational camp is located. Notwithstanding paragraph (3) or subsection (d), the minimum land use fee shall not be subject to a reduction or waiver.

(b) Facility use fee

(1) Percentage of facilities value

If an organizational camp uses a Government-owned facility on National Forest System lands pursuant to section 580d of this title, the Secretary shall charge, in addition to the land use fee imposed under subsection (a), a facility use fee equal to 5 percent of the

value of the authorized facilities, as determined by the Secretary.

(2) Reduction in fees prohibited

Notwithstanding subsection (d), the facility use fees determined under paragraph (1) shall not be subject to a reduction or waiver.

(c) Fee related to receipt of other revenues

If an organizational camp derives revenue from the use of National Forest System lands or authorized facilities described in subsection (b) for purposes other than to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues, the Secretary shall charge, in addition to the land use fee imposed under subsection (a) and the facility use fee imposed under subsection (b), an additional fee equal to 5 percent of that revenue.

(d) Work-in-lieu program

Subject to subsections (a)(4) and (b)(2), section 539f of this title shall apply to the use fees imposed under this section.

(Pub. L. 108-7, div. F, title V, § 503, Feb. 20, 2003, 117 Stat. 295.)

§ 6233. Implementation

(a) Prompt implementation

The Secretary shall issue direction regarding implementation of this chapter by interim directive within 180 days after February 20, 2003. The Secretary shall implement this chapter beginning with the first billing cycle for organizational camp special use authorizations occurring more than 180 days after February 20, 2003.

(b) Phase-in of use fee increases

In issuing any direction regarding implementation of this chapter under subsection (a), the Secretary shall consider whether to phase-in any significant increases in annual land or facility use fees for organizational camps.

(Pub. L. 108-7, div. F, title V, § 504, Feb. 20, 2003, 117 Stat. 296.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", which was translated as reading "this title", meaning title V of div. F of Pub. L. 108-7, known as the National Forest Organizational Camp Fee Improvement Act of 2003, to reflect the probable intent of Congress.

§ 6234. Relationship to other laws

Except as specifically provided by this chapter, nothing in this chapter supersedes or otherwise affects any provision of law, regulation, or policy regarding the issuance or administration of authorizations for organizational camps regarding the occupancy and use of National Forest System lands.

(Pub. L. 108-7, div. F, title V, § 505, Feb. 20, 2003, 117 Stat. 297.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", which was translated as reading "this title", meaning title V of div. F of Pub. L. 108-7, known as the National Forest Organizational Camp Fee Im-

provement Act of 2003, to reflect the probable intent of Congress.

§ 6235. Deposit and expenditure of use fees

(a) Deposit and availability

Unless subject to section 580d of this title, use fees collected by the Secretary under this chapter shall be deposited in a special account in the Treasury and shall remain available to the Secretary for expenditure, without further appropriation until expended, for the purposes described in subsection (c).

(b) Transfer

Upon request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary from the special account such amounts as the Secretary may request. The Secretary shall accept and use such amounts in accordance with subsection (c).

(c) Use

Use fees deposited pursuant to subsection (a) and transferred to the Secretary under subsection (b) shall be expended for monitoring of Forest Service special use authorizations, administration of the Forest Service's special program, interpretive programs, environmental analysis, environmental restoration, and similar purposes.

(Pub. L. 108-7, div. F, title V, §506, Feb. 20, 2003, 117 Stat. 297.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", which was translated as reading "this title", meaning title V of div. F of Pub. L. 108-7, known as the National Forest Organizational Camp Fee Improvement Act of 2003, to reflect the probable intent of Congress.

§ 6236. Ministerial issuance, or amendment authorization

(a) NEPA exception

The ministerial issuance or amendment of an organizational camp special use authorization shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Rule of construction

For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

(Pub. L. 108-7, div. F, title V, §507, Feb. 20, 2003, 117 Stat. 297.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

CHAPTER 82—GREAT APE CONSERVATION

Sec.

6301. Findings and purposes.

6302. Definitions.

6303. Great ape conservation assistance.

6304. Great Ape Conservation Fund.

6305. Authorization of appropriations.

§ 6301. Findings and purposes

(a) Findings

Congress finds that—

(1) great ape populations have declined to the point that the long-term survival of the species in the wild is in serious jeopardy;

(2) the chimpanzee, gorilla, bonobo, orangutan, and gibbon are listed as endangered species under section 1533 of this title and under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(3) because the challenges facing the conservation of great apes are so immense, the resources available to date have not been sufficient to cope with the continued loss of habitat due to human encroachment and logging and the consequent diminution of great ape populations;

(4) because great apes are flagship species for the conservation of the tropical forest habitats in which they are found, conservation of great apes provides benefits to numerous other species of wildlife, including many other endangered species;

(5) among the threats to great apes, in addition to habitat loss, are population fragmentation, hunting for the bushmeat trade, live capture, and exposure to emerging or introduced diseases;

(6) great apes are important components of the ecosystems they inhabit, and studies of their wild populations have provided important biological insights;

(7) although subsistence hunting of tropical forest animals has occurred for hundreds of years at a sustainable level, the tremendous increase in the commercial trade of tropical forest species is detrimental to the future of these species; and

(8) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of great apes in the wild will require the joint commitment and effort of countries that have within their boundaries any part of the range of great apes, the United States and other countries, and the private sector.

(b) Purposes

The purposes of this chapter are—

(1) to sustain viable populations of great apes in the wild; and

(2) to assist in the conservation and protection of great apes by supporting conservation